

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BRAD ONEAL DAVIS

PLAINTIFF

VS.

CAUSE NO. 4:12CV00076-JMV

**MICHAEL J. ASTRUE
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court has determined that this case should be remanded to the Commissioner of Social Security for additional proceedings.

The court finds that the Commissioner's decision is not supported by substantial evidence in the record. Specifically, the ALJ relied upon the Physical Capacities Evaluation of Ms. Sylvia Crutchfield, C.F.N.P., in fashioning the claimant's residual functional capacity. However, the ALJ failed to adopt the portion of Nurse Crutchfield's opinion that due to chronic joint pain, the claimant would be expected to miss more than four days of work per month—though the court could find no other evidence in the record refuting said opinion. Additionally, though the ALJ found the claimant's anal warts constituted a severe impairment, nothing in the ALJ's opinion indicates that he fully considered the claimant's need to take sitz baths for treatment of said condition. Accordingly, this case is hereby remanded to the Commissioner with instructions to refer the matter to an ALJ for reconsideration. The ALJ is directed to refer the claimant for a consultative examination for a determination of the nature and severity of his joint impairment

and the extent of any associated limitations on his ability to work. The ALJ should also determine the extent to which sitz baths are necessary for the treatment of the claimant's wart impairment and what affect, if any, said treatment has on his ability to work. Finally, the ALJ should obtain supplemental vocational expert testimony on the issue of whether there are other jobs the claimant can perform considering his RFC and all other relevant factors.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED AND REMANDED** to the Commissioner for further proceedings as set out above.

THIS 14th day of February, 2013.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE